

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VISTO CORPORATION,

Plaintiff

V.

GOOD TECHNOLOGY, INC.,

Defendant.

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CIVIL NO. 2:06-CV-39 (TJW)

**[PROPOSED] ORDER ADOPTING DEFENDANT GOOD
TECHNOLOGY, INC.'S CONSTRUCTIONS FOR DISPUTED TERMS
OF THE PATENTS-IN-SUIT**

The Court, having considered the parties' motion for claim construction, and all relevant pleadings, is of the opinion Defendant Good Technology, Inc.'s proposed constructions set forth below shall be adopted.

Term	Asserted Claims w/ Term	Construction
version information / version indicating information	'192: 1, 2, 8, 10, 17, 21 and 22; '221: 13 '679: 1	Information identifying a version of a workspace element or independently modifiable copy that can be used to determine whether the workspace element or copy has been modified without examining the modifications.
examination results / first examination results / second examination results	'192: 1, 2, 8, 21 and 22	Information regarding one or more workspace elements obtained by examining the version information of those workspace elements.
independently modifiable copy	'192: 1, 2, 8, 10, 21 and 22	A copy of a workspace element capable of being modified by a user independent of the workspace element. The copy of the workspace element does not have to be in the same format as the workspace element.

Term	Asserted Claims w/ Term	Construction
the copy	'192: 1, 2, 8, 10, 21 and 22	The independently-modifiable copy.
order of the steps of method claims	'192: 1, 2, 8 and 22	Claim 1: First step (a), then step (d), then steps (b) and (c) in interchangeable order, then step (e) and finally step (f). Claims 2, 8, and 22: First step (c) must take place, then steps (a) and (b) in interchangeable order, then step (d) and finally step (e).
initiating ... from within the firewall [through the communications channel / through an Internet communications channel] when predetermined criteria have been satisfied	'192: 1, 2, 8, 10, and 22	Starting the generating first examination results step and sending a command from within the firewall [through the communications channel / thorough an Internet communications channel] to start the generating second examination results step when predetermined criteria have been satisfied.
the firewall	'192:1, 2, 8 and 22	The firewall of step (a).
the firewall	'192: 21	The firewall within which the first workspace element is stored.
the first firewall	'192: 10 and 11	The firewall through which the communications channel passes.
storing		This term needs no further construction.
independently modifiable emails	'679: 1	A copy of an e-mail capable of being modified by a user independent of the e-mail. The copy of the e-mail does not have to be in the same format as the e-mail.
general synchronization module	'679: 1, 12, 13, and 15	Software routines or code that perform the task of determining whether an e-mail and/or an independently modifiable copy thereof has (or have) been modified, based on one or more criteria.
normally open LAN firewall port	'679: 1 and 3	A port that is typically configured to be open for network data to pass through a firewall.

Term	Asserted Claims w/ Term	Construction
a first Internet communication channel...	'679: 1	An Internet Protocol (IP) connection for transferring data through the public Internet between the global server and the LAN server.
Internet	'679: 1	The worldwide collection of networks and gateways that use the TCP/IP suite of protocols to communicate with one another.
a plurality of second Internet communication channels, each coupling said global server to a respective one of said smartphone devices...	'679: 1	Two or more Internet Protocol connections for transferring data through the public Internet between the global server and two or more smart phones.
server	'679: 4, 8, 12, and 16	A computer in a network that responds to commands from a client.
means for updating the first version information whenever the first workspace element is modified	'192: 17	Desktop service engine 345 or service engine 245.
means for updating the first version information whenever the first workspace element is modified or updating the second version information whenever the copy is modified	'192: 21	There is no corresponding structure disclosed in the specification of the '192 patent performing the function of updating the second version information whenever an independently-modifiable copy of a workspace element stored in a second store on a smart phone is modified.
first means for generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a firewall has been modified	'192: 21	The general synchronization module 425 of base system 190 in desktop computer 160 within the firewall.

Term	Asserted Claims w/ Term	Construction
second means for generating second examination results from second version information which indicates whether an independently modifiable copy of the first workspace element has been modified, the copy being stored at a second store on a smart phone outside the firewall	'192: 21	The general synchronization module 425 of second base system in smartphone 105.
means for initiating the first and second means from within the firewall when predetermined criteria have been satisfied	'192: 21	Synchronization-start module 420 of base system 190 in desktop computer 160 within the firewall.
means for generating a preferred version from the first workspace element and from the copy based on the first and second examination results	'192: 21	General synchronization module 425 of base system 190 in desktop computer 160.
means for storing first workspace data on a first device	'221: 8	Data storage devices 250, 350 and 720.
means for storing second workspace data on a second device	'221: 8	Data storage devices 250, 350 and 720.
workspace data manager	'606: 10, 11, 19, 20, and 21	A program that allows a user to manipulate workspace data.
untrusted client site	'606: 10, 20, and 21	A computer expected to be shared by users who are not authorized to access data from the remote site.
access data temporarily	'606: 20 and 21	Obtain data for temporary use but not for permanent storage.
automatically disabling	'606: 10 and 21	Disabling without a request to do so.

Term	Asserted Claims w/ Term	Construction
after a user has finished using the data	'606: 10, 20, and 21	When the user of the workspace data manager at the shared computer gives an indication that he/she is done using the downloaded data.
instantiator	'606: 11	A software routine that creates an operating system window on the display of the shared computer for displaying and enabling manipulation of the workspace data.
means for executing a workspace data manager on an untrusted client site	'606: 20	Processor 405, internal storage 435, and operating system 440 in the Remote client 120.
means for requesting the workspace data manager to access data temporarily from a remote site	'606: 20	"Borrow-me" button 545 in user interface of the workspace data manager.
means for downloading data from the remote site	'606: 20	Communications module 705.
means for placing the data in temporary storage on the untrusted client site	'606: 20	Instantiator 730.
means for using the workspace data manager to present the downloaded data	'606: 20	PIM 160, 165 or 170.

IT IS SO ORDERED